

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 352 OF 2017

(KAMLAKAR DAGOJI BORKAR...VS...STATE OF MAH. THR. P.S.O. PS GITTIKHADAN, NAGPUR,
DISTT.NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. V. Sirpurkar, Advocate for Applicant.
Shri S. P. Deshpande, A.P.P. for Non-applicant.
Shri Mahesh Rai, Advocate, Assist to Prosecution.

CORAM : Z.A.HAQ, J.

DATED : 20th JULY , 2017.

CRIMINAL APPLICATION (APPP) NO.1014 OF 2017.

Considering the facts of the case, the complainant
Martand Namdeorao Gotmare is permitted to assist the
prosecution.

The Criminal Application is allowed.

CRIMINAL APPLICATION (ABA) NO.352 OF 2017.

Heard.

Apprehending arrest in connection with Crime
No.271 of 2017 registered by the non-applicant for the
offence punishable under Section 420 of the Indian Penal
Code, the applicant has sought pre-arrest bail.

Crime is registered on the complaint lodged by
Martand Namdeorao Gotmare that in 1986-87 when the
applicant was President of Amar-Asha Co-operative Housing
Society, there was some agreement of the society with
Babanrao Kharabe in respect of 17.48 acres land, however,
the society had purchased 5 acres of land only and as per the

agreement, the society was entitled to convert only those 5 acres of land for non-agricultural purpose and sale plots and the society was not authorized to deal with conversion of remaining 12.48 acres of land, still 157 plots were sold out from entire 17.48 acres of land and plot No.5 was sold to the applicant and subsequently it is found that plot in question could not have been sold to the applicant.

The facts on record show that the complainant has approached Consumer Disputes Redressal Forum in the matter and his complaint is pending. The non-applicant has not come out with the case that the applicant is still President of the Society and is withholding the documents required for investigation. The Investigating Agency has not been able to show that custody of the applicant is required for further investigation. The applicant, aged about 67 years, claims to be a businessman and has stated that he is not involved in any other crime/offence.

By order passed on 26th May, 2017, this Court has granted protection to the applicant imposing condition of attendance at the police station as and when required. The Investigating Agency has not complained that the applicant has not co-operated with it.

In the facts of the case, order passed by this Court on 26th May, 2017 granting protection to the applicant is confirmed.

The application is **allowed** accordingly.

JUDGE